International Labour Conference
88th Session 2000

Report VII (1)

Withdrawal of the Hours of Work (Coal Mines) Convention, 1931; the Hours of Work (Coal Mines) Convention (Revised), 1935; the Reduction of Hours of Work (Public Works) Convention, 1936; the Reduction of Hours of Work (Textiles) Convention, 1937; and the Migration for Employment Convention, 1939

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Seventh item on the agenda

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INTRODUCTION

1. At its 271st Session (March 1998), the Governing Body of the International Labour Office decided to place on the agenda of the 88th Session (2000) of the International Labour Conference[1] the question of withdrawal of the following five Conventions: the Hours of Work (Coal Mines) Convention, 1931 (No. 31); the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46); the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51); the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61); and the Migration for Employment Convention, 1939 (No. 66).

2. In order to permit the Conference to abrogate or withdraw obsolete international labour Conventions or Recommendations, the International Labour Conference adopted at its 85th Session (June 1997) an amendment to the Constitution of the International Labour Organization through the addition of paragraph 9 of article 19,[2] and to the Standing Orders of the Conference (new article 11 and new article 45bis of the Standing Orders). A Convention or a Recommendation is considered obsolete "if [it] appears that it has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization".[3] At its 270th Session (November 1997), the Governing Body amended its Standing Orders by the adoption of a new article 12bis setting out the procedure for placing the question of abrogation or withdrawal of instruments on the agenda of the Conference. The procedure for abrogation applies to Conventions which are in force. The procedure for withdrawal applies to Conventions which are not in force and to Recommendations. As the Conference noted[4] abrogation and withdrawal are the subject of the same procedural guarantees. The only difference is that the Conference can, on the basis of its Standing Orders, withdraw an instrument before the entry into force of the constitutional amendment.

3. This report and the questionnaire here-below are communicated to governments pursuant to article 45bis of the Standing Orders of the Conference. The purpose of this report and its questionnaire is to enable the Conference to have the necessary elements to make a determination as to whether each Convention, seen as a whole, is obsolete. The procedure provided for is a single discussion at the 88th Session (2000) of the International Labour Conference.

Notes

[1] GB.271/205, paras. 5-6.

[2] This provision is not yet in force.

[3] Paragraph 9 of article 19.

[4] ILC, 85th Session, 1997, *Provisional Record* No. 10, para. 10.

EXAMINATION OF CONVENTIONS NOS. 31, 46, 51, 61 AND 66

4. Conventions Nos. 31, 46, 51, 61 and 66 were all adopted in the 1930s. The first four Conventions concern hours of work in the coalmining, public works and textile sectors. The fifth one concerns migrant workers. They were all examined by the Working Party on Policy regarding the Revision of Standards of the Governing Body Committee on Legal Issues and International Labour Standards during the 265th Session of the Governing Body (March 1996). The Governing Body decided at that time on the possible subsequent abrogation of these five Conventions that had not entered into force once an appropriate procedure had been adopted.[1] As noted in paragraph 2, above, such a procedure was adopted by the Conference at its 85th Session (1997).

5. The Conventions concerned have not entered into force. Their withdrawal would put an end to their legal existence, thus helping to rationalize the ILO's standard-setting system and preventing them from ever entering into force. This eventual entry into force seems purely theoretical in the case of Conventions Nos. 31, 46, 51 and 61. Convention No. 66 is in fact already closed to ratification. The reasons why the Governing Body decided to consider these Conventions obsolete and to place their withdrawal on the agenda of the Conference are given below.

HOURS OF WORK (COAL MINES) CONVENTION, 1931 (NO. 31)

6. This Convention was adopted on 18 June 1931. It has been ratified by two member States (Spain: 1932, Argentina: 1956). It has not entered into force since it has not been ratified by two of the member States provided for.[2] In accordance with Article 22, paragraph 2, of Convention No. 31, it is to be closed to ratification on the entry into force of a new revising Convention. Convention No. 31 was revised by the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46), which itself has not entered into force. As a result Convention No. 31 remains open to ratification. No ratification of Convention No. 31 has been registered for more than 40 years. Its chances of entering into force seem to be non-existent.

HOURS OF WORK (COAL MINES) CONVENTION (REVISED), 1935 (NO. 46)

7. Convention No. 46 was adopted on 21 June 1935. It was ratified by three member States (Cuba: 1936, Mexico: 1939, Spain: 1971). The conditions for its entry into force, which are the same as those provided for in Convention No. 31, have not been fulfilled. The prospects for new ratifications seem to be non-existent. No revision of this Convention has been envisaged either separately or in the context of a review of other instruments on hours of work. It was not taken into account in the preparatory work for the meeting of experts on hours of work held in 1993.

REDUCTION OF HOURS OF WORK (PUBLIC WORKS) CONVENTION, 1936 (NO. 51)

8. This Convention was adopted on 23 June 1936. No ratifications have been registered for this Convention. Like Convention No. 46, its revision has not been considered.

REDUCTION OF HOURS OF WORK (TEXTILES) CONVENTION, 1937 (NO. 61)

9. This Convention was adopted on 22 June 1937. No ratifications have been registered for this Convention. Like Conventions Nos. 46 and 51, its revision has not been considered.

MIGRATION FOR EMPLOYMENT CONVENTION, 1939 (NO. 66)

10. This Convention was adopted on 28 June 1939. No ratifications have been registered for this Convention. It was closed to ratification by the entry into force of the Migration for Employment Convention (Revised), 1949 (No. 97).

Notes

[1] GB.265/8/2, para. 24(d)(iii).

[2] These member States were: Belgium, Czechoslovakia, France, Germany, Netherlands, Poland and United Kingdom.

QUESTIONNAIRE

In accordance with article 45bis of the Standing Orders of the International Labour Conference, governments are invited to consult the most representative organizations of employers and workers before finalizing their replies to the following questionnaire. The International Labour Office would be grateful if the replies could reach the Office in Geneva by 31 October 1999.

I. Hours of Work (Coal Mines) Convention, 1931 (No. 31)

1. Do you consider that Convention No. 31 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Convention No. 31 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information relevant to its prospects for entry into force.

II. Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46)

1. Do you consider that Convention No. 46 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Convention No. 46 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information relevant to its prospects for entry into force.

III. Reduction of Hours of Work (Public Works) Convention, 1936, (No. 51)

1. Do you consider that Convention No. 51 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Convention No. 51 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information relevant to its prospects for entry into force.

IV. Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61)

1. Do you consider that Convention No. 61 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Convention No. 61 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information relevant to its prospects for entry into force.

V. Migration for Employment Convention, 1939 (No. 66)

1. Do you consider that Convention No. 66, which is no longer open to ratification, should be withdrawn, as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Convention No. 66 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.

ANNEX

CONVENTION No. 31

Convention Limiting Hours of Work in Coal Mines [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifteenth Session on 28 May 1931, and

Having decided upon the adoption of certain proposals with regard to hours of work in coal mines, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eighteenth day of June of the year one thousand nine hundred and thirty-one the following Convention, which may be cited as the Hours of Work (Coal Mines) Convention, 1931, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. This Convention shall apply to all coal mines, that is to say, to any mine from which only hard coal or lignite, or principally hard coal or lignite together with other minerals, is extracted.

2. For the purpose of this Convention, the term "lignite mine" shall mean any mine from which coal of a geological period subsequent to the carboniferous period is extracted.

Article 2

For the purpose of this Convention, the term "worker" shall mean—

(*a*) in underground coal mines, any person occupied underground, by whatever employer and on whatever kind of work he may be employed, except persons engaged in supervision or management who do not ordinarily perform manual work;

(*b*) in open coal mines, any person employed directly or indirectly in the extraction of coal, except persons engaged in supervision or management who do not ordinarily perform manual work.

Article 3

Hours of work in underground hard coal mines shall mean the time spent in the mine, calculated as follows:

[1] This Convention had not come into force by 1 September 1965. It was revised in 1935 by Convention 46.

1. Time spent in an underground mine shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending.

2. In mines where access is by an adit the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface.

3. In no underground hard coal mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day.

Article 4

The provisions of this Convention shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface is the same as that laid down in paragraph 3 of Article 3. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same.

Article 5

1. Subject to the provisions of the second paragraph of this Article, the provisions of this Convention shall be deemed to be complied with if the national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country. In this case, the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface shall not in any time exceed seven hours and fifteen minutes ; provided that no method of regulation shall be permitted by which the hewers as a class of workers would on the average work longer hours than the other classes of underground workers in the same shift.

2. Any Member which, having applied the method laid down in this Article, subsequently applies the provisions of Articles 3 and 4 shall make the change simultaneously for the whole country and not for any part thereof.

Article 6

1. Workers shall not be employed on underground work in coal mines on Sundays and legal public holidays. National laws or regulations may, however, authorise the following exceptions for workers over eighteen years of age :

(a) for work which, owing to its nature, must be carried on continuously ;

(b) for work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals ;

(c) for survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking ;

(d) for urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer.

2. The competent authorities shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article.

3. Work permitted under paragraph 1 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

4. Workers who are engaged to any considerable extent on work permitted under paragraph 1 of this Article shall be assured either a compensatory rest period or an adequate extra payment in addition to the rate specified in paragraph 3 of this Article. The detailed application of this provision shall be regulated by national laws or regulations.

Article 7

Lower maxima than those specified in Articles 3, 4 and 5 shall be laid down by regulations made by public authority for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause.

Article 8

1. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded—

(*a*) in case of accident, actual or threatened, in case of *force majeure*, or in case of urgent work to be done to machinery, plant or equipment on the mine as a result of a breakdown of such machinery, plant or equipment, even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine ;

(*b*) for workers employed on operations which by their nature must be carried on continuously or on technical work, in so far as their work is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided, however, that this shall not refer to the production or transport of coal ; the additional time authorised by this paragraph shall not exceed half an hour on any day for any individual worker, and in the case of all mines in normal operation the number of workers concerned shall at no time exceed 5 per cent. of the total number of persons employed at the mine.

2. Overtime worked in accordance with the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 9

1. Regulations made by public authority may, in addition to the provisions of Article 8, put not more than sixty hours' overtime in the year at the disposal of undertakings throughout the country as a whole.

2. This overtime shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 10

The regulations mentioned in Articles 7, 8 and 9 shall be made by public authority after consultation with the organisations of employers and workers concerned.

Article 11

The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation shall contain all information as to the action taken to regulate the hours of work in accordance with the provisions of Articles 3, 4 and 5. They shall also furnish complete information concerning the regulations made under Articles 7, 8, 9, 12, 13 and 14 and concerning their enforcement.

Article 12

In order to facilitate the enforcement of the provisions of this Convention, the management of every mine shall be required—

(a) to notify by means of notices conspicuously posted at the pithead or in some other suitable place, or by such other method as may be approved by the public authority, the hours at which the workers of each shift or group shall begin to descend and shall have completed the ascent.

These hours shall be approved by the public authority and be so fixed that the time spent in the mine by each worker shall not exceed the limits prescribed by this Convention. When once notified, they shall not be changed except with the approval of the public authority and by such notice and in such manner as may be approved by the public authority.

(b) to keep a record in the form prescribed by national laws or regulations of all additional hours worked under Articles 8 and 9.

Article 13

1. In underground lignite mines Articles 3 and 4 and Articles 6 to 12 of this Convention shall apply subject to the following provisions:

(a) in accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine, provided that such breaks shall in no case exceed thirty minutes for each shift; such permission shall only be given after the necessity for such a system has been established by official investigation in each individual case, and after consultation with the representatives of the workers concerned;

(b) the number of hours overtime provided for in Article 9 may be increased to not more than seventy-five hours a year.

2. In addition, the competent authority may approve collective agreements which provide for not more than seventy-five hours further overtime a year. Such further overtime shall likewise be paid for at the rate prescribed in Article 9, paragraph 2. It shall not be authorised generally for all underground lignite mines, but only in the case of individual districts or mines where it is required on account of special technical or geological conditions.

Article 14

In open hard coal and lignite mines Articles 3 to 13 of this Convention shall not be applicable. Nevertheless, Members which ratify this Convention undertake to apply to these mines the provisions of the Washington Convention of 1919 limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, provided that the amount of overtime which may be worked in virtue of Article 6, paragraph *(b)*, of the said Convention shall not exceed one hundred hours a year. Where special needs so require, and only in such cases, the competent authority may approve collective agreements which provide for an increase of the aforesaid one hundred hours by not more than a further hundred hours a year.

Article 15

Nothing in this Convention shall have the effect of altering national laws or regulations with regard to hours of work so as to lessen the guarantees thereby afforded to the workers.

Article 16

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of emergency endangering the national safety.

Article 17

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the International Labour Office.

2. It shall come into force six months after the date on which the ratifications of two of the following Members have been registered by the Director-General of the International Labour Office : Belgium, Czechoslovakia, France, Germany, Great Britain, Netherlands and Poland.

3. Thereafter the Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 19

As soon as the ratifications of two of the Members mentioned in the second paragraph of Article 18 have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 20

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of three years under the terms provided for in this Article.

Article 21

1. At the latest within three years from the coming into force of this Convention the Governing Body of the International Labour Office shall place on the agenda of the Conference the question of the revision of this Convention on the following points :

(a) the possibility of a further reduction in the hours of work provided for in paragraph 3 of Article 3 ;

(b) the right to have recourse to the exceptional method of calculation laid down in Article 5 ;

(c) the possibility of modifying the provisions of Article 13, paragraphs *(a)* and *(b)*, in the direction of a reduction of the hours of work ;

(d) the possibility of a reduction in the amount of overtime provided for in Article 14.

2. Moreover, at such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 22

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 23

The French and English texts of this Convention shall both be authentic.

CONVENTION No. 46

Convention Limiting Hours of Work in Coal Mines (Revised 1935) [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention limiting hours of work in coal mines adopted by the Conference at its Fifteenth Session, which is the seventh item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Hours of Work (Coal Mines) Convention (Revised), 1935 :

Article 1

1. This Convention shall apply to all coal mines, that is to say, to any mine from which only hard coal or lignite, or principally hard coal or lignite together with other minerals, is extracted.

2. For the purpose of this Convention, the term " lignite mine " shall mean any mine from which coal of a geological period subsequent to the carboniferous period is extracted.

Article 2

For the purpose of this Convention, the term " worker " shall mean—

(a) in underground coal mines, any person occupied underground, by whatever employer and on whatever kind of work he may be employed, except persons engaged in supervision or management who do not ordinarily perform manual work ;

(b) in open coal mines, any person employed directly or indirectly in the extraction of coal, except persons engaged in supervision or management who do not ordinarily perform manual work.

Article 3

1. Hours of work in underground hard coal mines shall mean the time spent in the mine, calculated as follows :

(a) time spent in an underground mine shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending ;

(b) in mines where access is by an adit the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface.

[1] This Convention had not come into force by 1 September 1965.

2. In no underground hard coal mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day.

Article 4

The provisions of this Convention shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface is the same as that laid down in paragraph 2 of Article 3. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same.

Article 5

1. Subject to the provisions of the second paragraph of this Article, the provisions of this Convention shall be deemed to be complied with if the national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country. In this case, the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface shall not in any mine exceed seven hours and fifteen minutes ; provided that no method of regulation shall be permitted by which the hewers as a class of workers would on the average work longer hours than the other classes of underground workers in the same shift.

2. Any Member which, having applied the method laid down in this Article, subsequently applies the provisions of Articles 3 and 4 shall make the change simultaneously for the whole country and not for any part thereof.

Article 6

1. Workers shall not be employed on underground work in coal mines on Sundays and legal public holidays.

Provided that this requirement shall be deemed to be complied with if the workers enjoy a rest period of twenty-four consecutive hours, of which at least eighteen fall upon the Sunday or legal public holiday.

2. National laws or regulations may authorise the following exceptions to the provisions of the preceding paragraph for workers over eighteen years of age :

(a) for work which, owing to its nature, must be carried on continuously ;

(b) for work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals ;

(c) for survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking ;

(d) for urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer.

3. The competent authorities shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article.

4. Work permitted under paragraph 2 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

5. Workers who are engaged to any considerable extent on work permitted under paragraph 2 of this Article shall be assured either a compensatory rest

period or an adequate extra payment in addition to the rate specified in paragraph 4 of this Article. The detailed application of this provision shall be regulated by national laws or regulations.

Article 7

Lower maxima than those specified in Articles 3, 4 and 5 shall be laid down by regulations made by public authority for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause.

Article 8

1. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded in case of accident, actual or threatened, in case of *force majeure*, or in case of urgent work to be done to machinery, plant or equipment of the mine as a result of a breakdown of such machinery, plant or equipment, even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine.

2. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded in the case of workers employed on operations which by their nature must be carried on continuously or on technical work, in so far as their work is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided, however, that this shall not refer to the production or transport of coal. The additional time so authorised for any individual worker shall not, except as specified in paragraphs 3 and 4 of this Article, exceed half an hour on any day.

3. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded to an extent exceeding half an hour in the case of the following grades :

(a) workers whose presence is indispensable for the work of ventilation and pumping stations and of such compressed air stations as are necessary for ventilation ;

(b) underground storemen ; and

(c) winchmen and locomotive drivers and their indispensable assistants.

Provided that no worker in the above grades who is employed on operations which by their nature must be carried on continuously may be employed for more than eight hours per day exclusive of the time spent in the mine by that worker in reaching and returning from his place of work, it being understood that in each case this time will be reduced to the indispensable minimum.

Provided also that in the case of—

(a) underground storemen ;

(b) enginemen and men in charge of internal shafts who are engaged upon the transport of workers ;

(c) drivers of locomotives who are engaged upon the transport of workers ; and

(d) the indispensable assistants of the grades specified in clauses *(b)* and *(c)* ;

the limit of such extension shall be that fixed by the regulations of the public authority.

4. Regulations made by public authority may provide that the limit of hours specified in Articles 3, 4, 5 and 7 and in paragraphs 2 and 3 of this Article may be exceeded in the case of workers whose presence is indispensable for the work of underground ventilation, pumping and compressed air stations, but only to such extent as may be necessary to permit the periodical change-

over of shifts, and time worked in virtue of this provision shall not be deemed to be overtime, so however that during any period of three weeks no worker shall work more than twenty-one shifts of the length prescribed for his grade by paragraph 2 or paragraph 3 of this Article as the case may be.

5. In the case of mines in normal operation the number of persons coming under paragraphs 2 and 3 of this Article shall at no time exceed five per cent. of the total number of persons employed at the mine.

6. Overtime worked in virtue of the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 9

1. Regulations made by public authority may, in addition to the provisions of Article 8, put not more than sixty hours' overtime in the year at the disposal of undertakings throughout the country as a whole.

2. This overtime shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 10

The regulations mentioned in Articles 7, 8, and 9 shall be made by public authority after consultation with the organisations of employers and workers concerned.

Article 11

The annual reports to be submitted under article 22 of the Constitution of the International Labour Organisation shall contain all information as to the action taken to regulate the hours of work in accordance with the provisions of Articles 3, 4 and 5. They shall also furnish complete information concerning the regulations made under Articles 7, 8, 9, 12, 13 and 14 and concerning their enforcement.

Article 12

In order to facilitate the enforcement of the provisions of this Convention, the management of every mine shall be required—

(a) to notify by means of notices conspicuously posted at the pithead or in some other suitable place, or by such other method as may be approved by the public authority, the hours at which the workers of each shift or group shall begin to descend and shall have completed the ascent.

These hours shall be approved by the public authority and be so fixed that the time spent in the mine by each worker shall not exceed the limits prescribed by this Convention. When once notified, they shall not be changed except with the approval of the public authority and by such notice and in such manner as may be approved by the public authority ;

(b) to keep a record in the form prescribed by national laws or regulations of all additional hours worked under Articles 8 and 9.

Article 13

1. In underground lignite mines Articles 3 and 4 and Articles 6 to 12 of this Convention shall apply subject to the following provisions :

(a) in accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine, provided that such breaks shall in no case exceed thirty minutes for each shift. Such permission shall only be given after the necessity for such a system has been established by official investigation in each individual case, and after consultation with the representatives of the workers concerned ;

(*b*) the number of hours' overtime provided for in Article 9 may be increased to not more than seventy-five hours a year.

2. In addition, the competent authority may approve collective agreements which provide for not more than seventy-five hours' further overtime a year. Such further overtime shall likewise be paid for at the rate prescribed in Article 9, paragraph 2. It shall not be authorised generally for all underground lignite mines, but only in the case of individual districts or mines where it is required on account of special technical or geological conditions.

Article 14

In open hard coal and lignite mines Articles 3 to 13 of this Convention shall not be applicable. Nevertheless, Members which ratify this Convention undertake to apply to these mines the provisions of the Washington Convention of 1919 limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, provided that the amount of overtime which may be worked in virtue of Article 6, paragraph (*b*), of the said Convention shall not exceed one hundred hours a year. Where special needs so require, and only in such cases, the competent authority may approve collective agreements which provide for an increase of the aforesaid one hundred hours by not more than a further hundred hours a year.

Article 15

Nothing in this Convention shall have the effect of altering national laws or regulations with regard to hours of work so as to lessen the guarantees thereby afforded to the workers.

Article 16

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of emergency endangering the national safety.

Article 17

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the International Labour Office.

2. It shall come into force six months after the date on which the ratifications of two of the following Members have been registered by the Director-General of the International Labour Office : Belgium, Czechoslovakia, France, Germany, Great Britain, Netherlands and Poland.

3. Thereafter the Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 19

As soon as the ratifications of two of the Members mentioned in the second paragraph of Article 18 have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 20

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of three years under the terms provided for in this Article.

Article 21

1. At the latest within three years from the coming into force of this Convention the Governing Body of the International Labour Office shall place on the agenda of the Conference the question of the revision of this Convention on the following points :

(a) the possibility of a further reduction in the hours of work provided for in paragraph 2 of Article 3 ;

(b) the right to have recourse to the exceptional method of calculation laid down in Article 5 ;

(c) the possibility of modifying the provisions of Article 13, paragraph 1, subparagraphs *(a)* and *(b)*, in the direction of a reduction of the hours of work ;

(d) the possibility of a reduction in the amount of overtime provided for in Article 14.

2. Moreover, at such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 22

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 23

The French and English texts of this Convention shall both be authentic.

CONVENTION No. 51

Convention concerning the Reduction of Hours of Work on Public Works [1]

The General Conference of the International Labour Organisation,

Having met at Geneva in its Twentieth Session on 4 June 1936 ;

Considering that the question of the reduction of hours of work on public works undertaken or subsidised by Governments is the third item on the agenda of the Session ;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living ;

Considering it to be desirable that this principle should be applied by international agreement to public works ;

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Reduction of Hours of Work (Public Works) Convention, 1936 :

Article 1

1. This Convention applies to persons directly employed on building or civil engineering works financed or subsidised by central Governments.

2. For the purpose of this Convention the precise scope of the terms "building or civil engineering", "financed" and "subsidised" shall be delimited by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

3. The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention—

(a) persons employed in undertakings in which only members of the employer's family are employed ;

(b) persons occupying positions of management who do not ordinarily perform manual work.

Article 2

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

2. In the case of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.

4. Where hours of work are calculated as an average the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which this average may be calculated and the maximum number of hours that may be worked in any week.

[1] This Convention had not come into force by 1 September 1965.

5. For the purpose of this Convention, the term "hours of work" means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

Article 3

1. The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours prescribed in the preceding Article may be exceeded in the case of—

(a) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking or branch thereof or of the shift ; and

(b) persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls.

2. The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article.

3. The competent authority may permit the limits of hours prescribed in the preceding Article to be exceeded to a prescribed extent in cases in which this is necessary, if serious hindrance to the execution of a particular public work is to be avoided, on account of abnormal circumstances such as the inaccessibility of the site or the impossibility of engaging sufficient qualified labour.

Article 4

The limits of hours prescribed in the preceding Article may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

(a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure* ; or

(b) in order to make good the unforeseen absence of one or more members of a shift.

Article 5

1. The limits of hours prescribed in Articles 2 and 3 may be exceeded in cases where the continued presence of particular persons is necessary for the completion of an operation which for technical reasons cannot be interrupted.

2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which this Article applies and the maximum number of hours in excess of the prescribed limits which may be worked by the persons concerned.

3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

Article 6

1. The competent authority may grant an allowance of overtime for exceptional cases of pressure of work. Such an allowance shall only be granted under regulations made after consultation as to the necessity of such overtime and the number of hours to be worked with the organisations of employers and workers concerned where such exist, and no such allowance shall permit of any person being employed for more than one hundred hours of such overtime in any year.

2. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

Article 7

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required—

(a) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority,

(i) the hours at which work begins and ends ;

(ii) where work is carried on by shifts, the hours at which each shift begins and ends ;

(iii) where a rotation system is applied, a description of the system, including a time-table for each person or group of persons ;

(iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks ; and

(v) rest periods in so far as these are not reckoned as part of the working hours ;

(b) to keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 3 (paragraph 3), 5 and 6 and of the payments made in respect thereof.

Article 8

The annual reports submitted by Members upon the application of this Convention shall include more particularly full information concerning—

(a) the definitions adopted in virtue of Article 1, paragraph 2 ;

(b) processes which the competent authority has recognised as necessarily continuous in character in virtue of Article 2, paragraph 2 ;

(c) determinations made in virtue of Article 2, paragraph 4 ;

(d) decisions taken in virtue of Article 3 ; and

(e) allowances of overtime granted in virtue of Article 6.

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(*a*) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;

(*b*) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The French and English texts of this Convention shall both be authentic.

CONVENTION No. 61

Convention concerning the Reduction of Hours of Work in the Textile Industry [1]

The General Conference of the International Labour Organisation,

Having met at Geneva in its Twenty-third Session on 3 June 1937 ;

Considering that the question of the reduction of hours of work in the textile industry is the second item on the agenda of the Session ;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living ;

Considering it to be desirable that this principle should be applied by international agreement to the textile industry ;

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Reduction of Hours of Work (Textiles) Convention, 1937 :

Article 1

1. This Convention applies to—

(a) persons employed in an undertaking which fulfils the condition stated in paragraph 2 of this Article, including persons employed in any branch of such an undertaking which branch does not fulfil that condition ; and

(b) persons employed in a branch of an undertaking which branch fulfils the condition stated in paragraph 2 of this Article, even though the undertaking does not fulfil that condition.

2. The condition referred to in the preceding paragraph is that the undertaking or branch of an undertaking is engaged wholly or mainly in one or more of the series of operations delimited in paragraphs 3, 4 and 5 of this Article in the course of the manufacture of any kind of thread, yarn, twine, cord, rope, netting or felt, or any woven, piled, knitted or lacework fabric from any one or more of the following materials : cotton, wool, silk, flax, hemp, jute, rayon or other synthetic fibre, or any other textile material whether of vegetable, animal or mineral origin.

3. The series of operations referred to in paragraph 2 of this Article begins—

(a) in the case of cotton, with the reception of the bales of ginned cotton for breaking up and cleaning ;

(b) in the case of wool, with the reception of the raw wool for sorting and cleaning (excluding the process of anthrax disinfection) ;

(c) in the case of silk, with the reeling of the silk from the cocoon or the steeping of the silk waste ;

(d) in the case of flax, jute and hemp, with the operation of retting, except where this operation is effected as work accessory to that of an agricultural undertaking ;

(e) in the case of rayon or other synthetic fibre, with the reception of the materials used in the chemical production of the fibre ;

[1] This Convention had not come into force by 1 September 1965.

(f) in the case of rags, with the sorting of the rags or the reception of the sorted rags ; and

(g) in the case of any other textile material, with the operation prescribed by the competent authority as corresponding to the operations set out above.

4. The series of operations referred to in paragraph 2 of this Article includes the operations of bleaching, dyeing, printing, and finishing and similar operations, and ends with the packing and despatch of the products specified in that paragraph.

5. The series of operations referred to in paragraph 2 of this Article includes the making in whole or in part of any garment or other article only in the following cases :

(a) the case of hosiery manufacture ; and

(b) cases in which the garment or other article is made by the same process as the fabric thereof.

6. In any case in which it is doubtful whether an undertaking or branch of an undertaking fulfils the condition stated in paragraph 2 of this Article, the question shall be determined by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

7. Where and so long as the principle of a forty-hour week is applied to persons to whom this Convention applies in accordance with the provisions of any international labour Convention other than this Convention, the competent authority may exclude such persons from the application of this Convention.

8. This Convention applies to persons employed in both public and private undertakings.

Article 2

The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention—

(a) persons employed in undertakings in which only members of the employer's family are employed ;

(b) classes of persons who by reason of their special responsibilities are not subjected to the normal rules governing the length of the working week.

Article 3

1. For the purpose of this Convention the term " hours of work " means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

2. Where at the date of adoption of this Convention it is the practice not to regard time spent in the cleaning or oiling of machines as part of ordinary working time, the competent authority may permit any time not exceeding one-and-a-half hours in any week which is so spent to be disregarded in reckoning for the purpose of this Convention the hours of work of the persons concerned.

Article 4

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

2. In the cases of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.

4. Where hours of work are calculated as an average, the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which the average may be calculated and the maximum number of hours that may be worked in any week.

Article 5

The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours authorised by the preceding Article may be exceeded to an extent prescribed by such regulations in the case of—

(a) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, branch or shift ;

(b) persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls ;

(c) persons employed in connection with the transport, delivery or loading or unloading of goods.

Article 6

1. The limits of hours authorised by the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

(a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure* ;

(b) in order to make good the unforeseen absence of one or more members of a shift.

2. The employer shall notify the competent authority without delay of all time worked in virtue of this Article and of the reasons therefor.

Article 7

1. The limits of hours authorised by the preceding Articles may be exceeded in cases where the continued presence of particular persons is necessary for the completion of a bleaching, dyeing, finishing or other operation, or of a succession of such operations, which for technical reasons cannot be interrupted without damage to the material worked and which by reason of exceptional circumstances it has not been possible to complete within the normal limit of hours.

2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which and the conditions subject to which the preceding paragraph applies and the maximum number of hours which may be worked in virtue of that paragraph by the persons concerned.

Article 8

1. Upon application by an employer, the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, grant an allowance of overtime for specified classes of persons in exceptional cases in which overtime on one or more operations is necessary in order to enable the workers engaged in subsequent operations in the same undertaking to be employed up to the authorised limits of hours.

2. The competent authority shall determine, after consultation with the organisations of employers and workers concerned where such exist, the maximum number of hours of overtime which may be worked in virtue of paragraph 1 of this Article, so however that no such allowance shall permit of any person being employed for more than sixty hours of such overtime in any year or for more than four hours of such overtime in any week.

3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

4. The competent authority may attach to the grant of an allowance of overtime such conditions as it deems expedient with a view to securing a progressive reduction in the amount of overtime.

Article 9

1. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded subject to the conditions that—

(a) all time worked in virtue of this Article shall be regarded as overtime and shall be remunerated at not less than one-and-a-quarter times the normal rate ; and

(b) no person shall be employed in virtue of this Article for more than seventy-five hours of overtime in any year.

2. In cases in which national laws or regulations apply the weekly limit of hours as a strict limit applicable to each week, the competent authority may permit not more than one hundred additional hours of overtime in any year to be worked, subject to the condition that such additional hours of overtime shall be remunerated at not less than one-and-a-quarter times the normal rate.

3. When granting permission in virtue of the preceding paragraphs, the competent authority shall satisfy itself that there will be no consistent working of overtime.

4. The competent authority shall only grant permission to work overtime in virtue of this Article in accordance with regulations made after consultation with the organisations of employers and workers concerned where such exist.

5. The regulations referred to in the preceding paragraph shall prescribe—

(a) the procedure by which permission may be granted to employers to work overtime in virtue of this Article ; and

(b) the maximum number of hours for which the competent authority may grant permission and the minimum overtime rate to be paid for such hours.

Article 10

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall—

(a) notify in a manner approved by the competent authority, by the posting of notices or otherwise,

(i) the hours at which work begins and ends ;

(ii) where work is carried on by shifts, the hours at which each shift begins and ends ;

(iii) where a rotation system is applied, a description of the system including a time-table for each person or group of persons ;

(iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks ; and

(v) effective rest periods as defined in Article 3 ; and

(b) keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 7, 8 and 9 of this Convention and of the payments made in respect thereof.

Article 11

Any Member may suspend the operation of the provisions of this Convention during any emergency which endangers the national safety.

Article 12

During a period which shall not exceed two years from the coming into force of this Convention for the Member concerned, the competent authority may approve transitional arrangements in virtue of which—

(a) the reduction of hours of work to the limits authorised by the preceding Articles may be accomplished by stages during the said period ;

(b) specified classes of workers or undertakings may be exempted from all or any of the provisions of the Convention during the said period.

Article 13

The annual reports upon the application of this Convention to be submitted by Members under article 22 of the Constitution of the International Labour Organisation shall include more particularly full information concerning—

(a) decisions taken in virtue of Article 1, paragraph 3 *(g)* ;

(b) exemptions made in virtue of Article 2, and any conditions subject to which such exemptions are made ;

(c) any recourse to the provisions of Article 3, paragraph 2 ;

(d) determinations made in pursuance of Article 4, paragraph 4 ;

(e) regulations made in virtue of Article 5 ;

(f) determinations made in pursuance of Article 7, paragraph 2 ;

(g) allowances of overtime granted in virtue of Article 8 ; and

(h) the extent to which recourse has been had to the provisions of Article 9.

Article 14

In accordance with article 19, paragraph 11 [1], of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by this Convention.

Article 15

In the event of the Conference adopting a further Convention determining such modifications of the provisions of this Convention as may be required to meet the case of countries to which article 19, paragraph 3, of the Constitution of the International Labour Organisation applies, this Convention and the aforesaid further Convention shall be deemed to form one Convention.

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[1] That provision reads as follows :

> " In no case shall any Member be asked or required, as a result of the adoption of any Recommendation or draft Convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned. "

As a result of the amendment of the Constitution in 1946, a corresponding provision is now contained in article 19, paragraph 8, thereof.

Article 16

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 17

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 18

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 19

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 20

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 21

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 19 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 22

The French and English texts of this Convention shall both be authentic.

CONVENTION No. 66

Convention concerning the Recruitment, Placing and Conditions of Labour of Migrants for Employment [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the recruiting, placing and conditions of labour (equality of treatment) of migrant workers, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Convention, which may be cited as the Migration for Employment Convention, 1939 :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes that it will—

(a) enact and enforce penalties for the repression of—

(i) misleading propaganda relating to emigration or immigration ; and

(ii) propaganda relating to emigration or immigration which propaganda is contrary to national laws or regulations ; and

(b) exercise supervision over advertisements, posters, pamphlets and other forms of publicity relating to employment in one territory which is offered to persons in another territory.

Article 2

1. Each Member which ratifies this Convention undertakes to maintain, or satisfy itself that there is maintained, an adequate service to supply information and give assistance to emigrants and immigrants.

2. This service shall be conducted—

(a) by the public authorities ; or

(b) by one or more voluntary organisations not conducted with a view to profit, approved for the purpose by the public authorities, and subject to the supervision of the said authorities ; or

(c) partly by the public authorities and partly by one or more voluntary organisations fulfilling the conditions stated in subparagraph *(b)* of this paragraph.

Article 3

1. Each Member which ratifies this Convention undertakes to regulate in accordance with the provisions of this Article the following operations :

[1] This Convention had not come into force by 1 September 1965. It was revised in 1949 by Convention 97. Following the coming into force of this Convention, Convention 66 is no longer open to ratification.

(a) recruitment, that is to say—

(i) the engagement of a person in one territory on behalf of an employer in another territory, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii), including the seeking for and selection of intending emigrants and the preparation for departure of the emigrants ;

(b) introduction, that is to say any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of subparagraph *(a)* of this paragraph ; and

(c) placing, that is to say any operations for the purpose of supplying an employer with the labour of persons who have been introduced within the meaning of subparagraph *(b)* of this paragraph.

2. The right to engage in the operations enumerated in paragraph 1 of this Article shall be restricted to—

(a) public employment exchanges or other public bodies of the territory in which the operations take place ;

(b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by an agreement between the Governments concerned ;

(c) any body established in accordance with the terms of an international instrument ;

(d) the prospective employer or a person in his service acting on his behalf ; and

(e) private employment agencies, whether fee-charging or not, which are not conducted with a view to profit.

3. The right to engage in the operations enumerated in paragraph 1 of this Article shall be subject to the prior authorisation of the competent authority of the territory where the said operations are to take place in such cases and under such conditions as may be prescribed by the laws or regulations of that territory or by agreement between the country of emigration and the country of immigration.

4. The competent authorities of the territory where the operations take place shall supervise the activities of bodies and persons to whom authorisations have been issued in pursuance of the preceding paragraph.

Article 4

1. Each Member ratifying this Convention which maintains a system of supervision over contracts of employment between an employer, or person acting on his behalf, and a migrant for employment, which are concluded before the departure of the migrant undertakes to require contracts subject to such supervision to comply with the provisions of this Article.

2. The contract shall be drawn up in or translated into a language which the migrant understands.

3. The contract shall, in addition to any other terms, specify the following particulars :

(a) the duration of the contract and if the contract is renewable the method of renewal, or in the case of a contract of indeterminate duration the procedure for the denunciation of the contract and the notice of the denunciation required ;

(b) the exact date on which and place at which the migrant is required to report ;

(c) the method of meeting the travelling expenses—

(i) of the migrant on the outward journey ;

(ii) of the migrant on the return journey, if such journey takes place on the expiry of the period for which the contract was concluded or before the expiry of the said period in consequence of the denunciation or termination of the contract not due to the fault of the migrant ;

(iii) of members of the migrant's family authorised to accompany him to or join him in the country of immigration ;

(d) any deductions which the employer may make from remuneration in accordance with the laws or regulations of the country of immigration or an agreement between the country of emigration and the country of immigration ;

(e) the housing conditions, if housing is to be provided or obtained by the employer ;

(f) any arrangements to ensure the maintenance of the migrant's family in the country of origin, more particularly with a view to preventing desertion of his family by the migrant.

Article 5

Each Member which ratifies this Convention undertakes to take measures to ensure that, if any migrant introduced into its territory fails, for a reason for which he is not responsible, to secure the employment for which he has been recruited, or an equivalent employment, the cost of his return and that of the members of his family, including administrative fees, transport and maintenance charges to the final destination, and charges for the transport of household belongings, does not fall upon the migrant.

Article 6

1. Each Member which ratifies this Convention undertakes that it will apply to foreigners treatment no less favourable than that which it applies to its own nationals with respect to the following matters :

(a) in so far as such matters are regulated by law or regulations or are subject to the control of administrative authorities—

(i) conditions of work and more particularly remuneration, and

(ii) the right to be a member of a trade union ;

(b) employment taxes, dues or contributions payable by the person employed ; and

(c) legal proceedings relating to contracts of employment.

2. The equality of treatment provided for in the preceding paragraph may be granted subject to reciprocity, which shall be deemed to exist—

(a) as between all Members bound by this Convention ; and

(b) as between each Member bound by this Convention and any other State with which it has concluded a reciprocity agreement relating to the matter in question.

Article 7

1. Personal effects and tools belonging to recruited migrants for employment and members of their families shall be exempt from customs duties on arrival in the country of immigration.

2. Personal effects and tools belonging to migrants for employment and members of their families shall be exempt from customs duties on the return of the said persons to their country of origin if they have retained the nationality of that country at the time of their return there.

Article 8

This Convention does not apply to—

(a) migration within the territory of a Member or from one territory of a Member to another territory of the same Member ;

(b) frontier workers whose place of employment is in the territory of one State and whose place of residence is in the territory of another State ;

(c) seamen ;

(d) indigenous workers as defined in Article 2 *(b)* of the Recruiting of Indigenous Workers Convention, 1936.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which this Convention will come into force.

Article 13

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 14

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 15

The French and English texts of this Convention shall both be authentic.

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